

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**JANE DOE, BY AND THROUGH HER
PARENTS, JANE ROE AND JOHN ROE,**

Plaintiff,

vs.

**AMERICAN AIRLINES GROUP INC.,
AND DOES 1-10,**

This Defendants.

CASE NO. 3:23-cv-819

**THIS DEFENDANT AMERICAN
AIRLINES GROUP, INC.'S MOTION
TO DISMISS AND ANSWER TO
PLAINTIFF'S COMPLAINT**

Defendant American Airlines Group, Inc. (hereafter "this Defendant"), by undersigned counsel and for its answers and affirmative defenses in response to the Complaint of Plaintiff Jane Doe, By and Through Her Parents, Jane Roe and John Roe ("Plaintiff"), responds and pleads as follows:

MOTION TO DISMISS

This Defendant is not liable for intentional acts or crimes of its employees where it had no knowledge of a propensity or disposition to commit either. *See i.e., B.B. Walker Co. v. Burns Int'l Sec. Servs. Inc.*, 108 N.C. App. 562, 566-67, 424 S.E.2d 172, 174-75 (1993); *Medlin v. Bass*, 327 N.C. 587, 594, 398 S.E.2d 460, 464 (1990). For that reason, Plaintiff fails to state a claim for which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Plaintiff's Complaint should be dismissed.

ANSWER TO COMPLAINT

INTRODUCTION

1. This Defendant denies the allegations of Paragraph 1 of the Complaint.

JURISDICTION

2. Paragraph 2 of the Complaint contains legal conclusions to which no response is required.

3. This Defendant admits the allegations of Paragraph 3 of the Complaint.

4. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 4 of the Complaint.

5. This Defendant admits only that the Charlotte-Douglas International Airport is a hub airport for This Defendant and that the specific flight alleged in Plaintiff's Complaint originated out of Charlotte, North Carolina. Paragraph 5 of the Complaint contains legal conclusions as to jurisdiction to which no response is required. This Defendant denies the balance of Paragraph 5 of the Complaint.

PARTIES

6. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 6 of the Complaint.

7. This Defendant admits the allegations of Paragraph 7 of the Complaint.

8. This Defendant admits the first sentence of Paragraph 8 of the Complaint. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of the second sentence of Paragraph 8 of the Complaint.

9. This Defendant denies it is liable for the events referred to in the Complaint. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 9 of the Complaint.

10. This Defendant denies the allegations of Paragraph 10 of the Complaint.

11. This Defendant denies the allegations of Paragraph 11 of the Complaint.

FACTS

12. This Defendant lacks knowledge or information sufficient to form a belief as to where Plaintiff resides. This Defendant otherwise admits, upon information on belief, the allegations of Paragraph 12 of the Complaint.

13. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 13 of the Complaint.

14. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 14 of the Complaint.

15. This Defendant admits, upon information on belief, the allegations of Paragraph 15 of the Complaint.

Plaintiff Is Secretly Filmed While Using the Plane's Bathroom (Caption from Plaintiff's Complaint)

16. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 16 of the Complaint.

17. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 17 of the Complaint.

18. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 18 of the Complaint.

19. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 19 of the Complaint.

20. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 20 of the Complaint.

21. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 21 of the Complaint.

22. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 22 of the Complaint.

23. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 23 of the Complaint.

24. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 24 of the Complaint.

25. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 25 of the Complaint.

26. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 26 of the Complaint.

27. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 27 of the Complaint.

28. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 28 of the Complaint.

29. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 29 of the Complaint.

30. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 30 of the Complaint.

31. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 31 of the Complaint.

32. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 32 of the Complaint.

33. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 33 of the Complaint.

34. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 34 of the Complaint.

35. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 35 of the Complaint.

36. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 36 of the Complaint.

37. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 37 of the Complaint.

38. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 38 of the Complaint.

39. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 39 of the Complaint.

40. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 40 of the Complaint.

**The Flight Attendant Retains Possession of His Phone for Another Hour
(Caption from Plaintiff's Complaint)**

41. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 41 of the Complaint.

42. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 42 of the Complaint.

43. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43 of the Complaint.

44. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 44 of the Complaint.

45. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 45 of the Complaint.

46. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 46 of the Complaint.

47. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 47 of the Complaint.

48. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 48 of the Complaint.

49. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 49 of the Complaint.

50. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 50 of the Complaint.

51. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 51 of the Complaint.

52. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 52 of the Complaint.

53. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 53 of the Complaint.

54. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 54 of the Complaint.

55. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 55 of the Complaint.

56. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 56 of the Complaint.

57. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 57 of the Complaint.

58. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 58 of the Complaint.

59. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 59 of the Complaint.

60. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 60 of the Complaint.

61. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 61 of the Complaint.

62. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 62 of the Complaint.

63. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 63 of the Complaint.

64. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 64 of the Complaint.

65. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 65 of the Complaint.

66. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 66 of the Complaint.

67. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 67 of the Complaint.

68. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 68 of the Complaint.

69. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 69 of the Complaint.

70. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 70 of the Complaint.

71. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 71 of the Complaint.

72. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 72 of the Complaint.

73. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 73 of the Complaint.

74. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 74 of the Complaint.

Law Enforcement Intercepts the Flight Upon Landing (Caption from Plaintiff's Complaint)

75. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 75 of the Complaint.

76. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 76 of the Complaint.

77. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 77 of the Complaint.

78. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 78 of the Complaint.

79. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 79 of the Complaint.

80. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 80 of the Complaint.

81. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 81 of the Complaint.

82. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 82 of the Complaint.

83. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 83 of the Complaint.

84. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 84 of the Complaint.

85. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 85 of the Complaint.

86. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 86 of the Complaint.

The Flight Attendant Remains Free (Caption from Plaintiff's Complaint)

87. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 87 of the Complaint.

88. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 88 of the Complaint.

89. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 89 of the Complaint.

90. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 90 of the Complaint.

91. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 91 of the Complaint.

92. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 92 of the Complaint.

93. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 93 of the Complaint.

The Effect of Incident on Plaintiff (Caption from Plaintiff's Complaint)

94. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 94 of the Complaint.

95. This Defendant denies the allegations of Paragraph 95 of the Complaint.

96. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 96 of the Complaint.

97. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 97 of the Complaint.

98. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 98 of the Complaint.

99. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 99 of the Complaint.

100. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 100 of the Complaint.

101. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 101 of the Complaint.

102. This Defendant denies the allegations of Paragraph 102 of the Complaint.

103. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 103 of the Complaint.

104. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 104 of the Complaint.

105. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 105 of the Complaint.

106. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 106 of the Complaint.

CLAIMS FOR RELIEF

107. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the factual allegations of Paragraph 107 of the Complaint. This Defendant denies any allegation of responsibility for intentional acts or crimes by Doe 1.

108. This Defendant denies the allegations of Paragraph 108 of the Complaint.

FIRST CLAIM FOR RELIEF **Invasion of Privacy (Against Doe 1)**

109. This Defendant incorporates their above responses to the Plaintiff's allegations in Paragraph 1 through 108 of the Complaint above by reference.

110. The allegations of Paragraph 110 of the Complaint are directed at another Defendant and constitute legal conclusions to which no response is required. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

111. The allegations of Paragraph 111 of the Complaint are directed at another Defendant and constitute legal conclusions to which no response is required. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

112. The allegations of Paragraph 112 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 112 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

113. The allegations of Paragraph 113 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 113 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

114. The allegations of Paragraph 114 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the

allegations of Paragraph 114 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

115. The allegations of Paragraph 115 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 115 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

116. The allegations of Paragraph 116 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 116 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

117. The allegations of Paragraph 117 of the Complaint are directed at another Defendant and constitute legal conclusions to which no response is required. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the First Claim for Relief, those allegations are denied.

SECOND CLAIM FOR RELIEF
Civil Liability for Criminal Act of Secretly Peeping (Against Doe 1)

118. This Defendant incorporates their above responses to the Plaintiff's allegations in Paragraph 1 through 117 of the Complaint above by reference.

119. The allegations of Paragraph 119 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 119 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Second Claim for Relief, those allegations are denied.

120. The allegations of Paragraph 120 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 120 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Second Claim for Relief, those allegations are denied.

121. The allegations of Paragraph 121 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 121 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Second Claim for Relief, those allegations are denied.

122. The allegations of Paragraph 122 of the Complaint are directed at another Defendant and constitute legal conclusions to which no response is required. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Second Claim for Relief, those allegations are denied.

THIRD CLAIM FOR RELIEF
Intentional Infliction of Emotional Distress (Against Doe 1)

123. This Defendant incorporates their above responses to the Plaintiff's allegations in Paragraph 1 through 122 of the Complaint above by reference.

124. The allegations of Paragraph 124 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 124 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Third Claim for Relief, those allegations are denied.

125. The allegations of Paragraph 125 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 125 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Third Claim for Relief, those allegations are denied.

126. The allegations of Paragraph 126 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 126 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Third Claim for Relief, those allegations are denied.

127. The allegations of Paragraph 127 of the Complaint, and its subparts, are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this

Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 127 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Third Claim for Relief, those allegations are denied.

128. The allegations of Paragraph 128 of the Complaint are directed at another Defendant to which no response is required. To the extent this Court deems otherwise, this Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 128 of the Complaint. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Third Claim for Relief, those allegations are denied.

129. The allegations of Paragraph 129 of the Complaint are directed at another Defendant and constitute legal conclusions to which no response is required. To the extent Plaintiff seeks to hold this Defendant liable for vicarious liability, or seeks to amend to include a claim of vicarious liability for the Third Claim for Relief, those allegations are denied.

FOURTH CLAIM FOR RELIEF
Negligence (Against Defendant American Airlines)

130. This Defendant incorporates their above responses to the Plaintiff's allegations in Paragraph 1 through 129 of the Complaint above by reference.

131. The allegations of Paragraph 131 of the Complaint contain legal conclusions to which no response is required. To the extent the Court deems otherwise, this Defendant denies these allegations in the event they are inconsistent with the applicable law.

132. The allegations of Paragraph 132 of the Complaint contain legal conclusions to which no response is required. To the extent the Court deems otherwise, this Defendant denies these allegations in the event they are inconsistent with the applicable law.

133. This Defendant denies the allegations of Paragraph 133 of the Complaint.

134. This Defendant denies the allegations of Paragraph 134 of the Complaint, including subparts (a) through (i).

135. This Defendant denies the allegations of Paragraph 135 of the Complaint, including subparts (a) through (g).

136. This Defendant denies the allegations of Paragraph 136 of the Complaint, including subparts (a) through (c).

137. This Defendant denies the allegations of Paragraph 137 of the Complaint.

138. This Defendant denies the allegations of Paragraph 138 of the Complaint.

FIFTH CLAIM FOR RELIEF
Negligent Hiring, Supervision or Retention (Against Defendant American Airlines)

139. This Defendant incorporates their above responses to the Plaintiff's allegations in Paragraph 1 through 138 of the Complaint above by reference.

140. The allegations of Paragraph 140 of the Complaint contain legal conclusions to which no response is required. To the extent the Court deems otherwise, this Defendant denies these allegations in the event they are inconsistent with the applicable law.

141. The allegations of Paragraph 141 of the Complaint contain legal conclusions to which no response is required. To the extent the Court deems otherwise, this Defendant denies these allegations in the event they are inconsistent with the applicable law.

142. The allegations of Paragraph 142 of the Complaint contain legal conclusions to which no response is required. To the extent the Court deems otherwise, this Defendant denies these allegations in the event they are inconsistent with the applicable law.

143. This Defendant denies the allegations of Paragraph 143 of the Complaint.

144. This Defendant denies the allegations of Paragraph 144 of the Complaint.

- 145. This Defendant denies the allegations of Paragraph 145 of the Complaint.
- 146. This Defendant denies the allegations of Paragraph 146 of the Complaint.
- 147. This Defendant denies the allegations of Paragraph 147 of the Complaint.
- 148. This Defendant denies the allegations of Paragraph 148 of the Complaint.
- 149. This Defendant denies the allegations of Paragraph 149 of the Complaint.
- 150. This Defendant denies the allegations of Paragraph 150 of the Complaint.
- 151. This Defendant denies the allegations of Paragraph 151 of the Complaint.

SIXTH CLAIM FOR RELIEF

Negligent Infliction of Emotional Distress (Against This Defendant American Airlines)

152. This Defendant incorporates their above responses to the Plaintiff's allegations in Paragraph 1 through 151 of the Complaint above by reference.

153. This Defendant denies the allegations of Paragraph 153 of the Complaint.

154. This Defendant denies the allegations of Paragraph 154 of the Complaint, including subparts (a) through (j).

155. This Defendant denies the allegations of Paragraph 155 of the Complaint.

156. This Defendant denies the allegations of Paragraph 156 of the Complaint.

This Defendant denies the allegations of Paragraphs 1 through 7 of Plaintiff's Prayer for Relief. This Defendant denies any allegations contained within Plaintiff's Complaint that are not specifically addressed above.

AFFIRMATIVE DEFENSES

This Defendant sets forth the following affirmative defenses to the claims made in the Complaint. In doing so, this Defendant does not assume the burden of proof with respect to any of the affirmative defenses where the substantive law provides otherwise.

FIRST AFFIRMATIVE DEFENSE

Doe 1 was not acting within the course and scope of his employment at the time of the alleged wrongful conduct against Plaintiff. As such, the theory of *respondeat superior* does not apply in this case, and this Defendant cannot be held vicariously liable for Doe 1's alleged actions that occurred outside the course and scope of his employment.

SECOND AFFIRMATIVE DEFENSE

This Defendant is not responsible for intentional acts or crimes committed by its employees, including Doe 1.

THIRD AFFIRMATIVE DEFENSE

In the event Plaintiff establishes that Doe 1 acted intentionally, this Defendant had no actual or constructive notice of the any propensity to behave in that manner.

RESERVATION OF RIGHTS

To the extent that this Defendant may have other separate and/or additional defenses of which they are not aware, this Defendant reserves the right to assert them by amendment to this Answer as discovery continues.

PRAYER FOR RELIEF

WHEREFORE, this Defendant requests that judgment be entered in its favor dismissing all causes of action set forth in the Complaint with prejudice; that this Defendant be awarded all costs, including attorney's fees, resulting from the action; and for such other and further relief as the Court deems just and proper.

JURY DEMAND

This Defendant demands a trial by jury of all causes of action as to which the law entitles it to a trial by jury.

This 30th day of January 2024.

**WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP**

/s/ Kathryn A. Grace

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CERTIFICATE OF SERVICE

This is to certify that the undersigned caused the foregoing **DEFENDANT AMERICAN AIRLINES GROUP, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT** to be filed and served on all counsel of record using the CM/ECF filing system:

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Counsel for Plaintiff Jane Doe

This 30th day of January 2024.

**WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP**

/s/ Kathryn A. Grace

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